

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

BRIAN ZAHN,

Plaintiff,

v.

BRIAN APPLEBURY, et al.,

Defendants.

No. CV-05-371-FVS

ORDER

**THIS MATTER** comes before the Court upon its own motion. The plaintiff is representing himself. The defendants are represented by Assistant United States Attorney Frank W. Wilson.

**BACKGROUND**

On April 24, 2007, the Court dismissed all of Mr. Zahn's claims save those arising under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-2 *et seq.*, and the Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*<sup>1</sup> Mr. Zahn objected. To begin with, he disagreed on the merits. He argued that he should not be limited to claims arising under Title VII and the Rehabilitation Act. In addition, he argued that his complaint already alleged claims arising under those statutes. He did not think he should be required to file an amended complaint. The Court overruled his objections and extended the deadline for filing an amended complaint. Mr. Zahn filed an

An amended order was entered the next day.

1 interlocutory appeal. The Ninth Circuit dismissed his appeal for lack  
2 of jurisdiction. Afterward, the Court again extended the deadline for  
3 filing an amended complaint. Mr. Zahn has not done so.

4 **IT IS HEREBY ORDERED:**

5 Mr. Zahn's Title VII and Rehabilitation Act claims are dismissed  
6 without prejudice.

7 **IT IS SO ORDERED.** The District Court Executive is hereby  
8 directed to enter this order, furnish copies to Mr. Zahn and to  
9 counsel for the defendants, and close the case.

10 **DATED** this 28th day of September, 2007.

11  
12 s/ Fred Van Sickle  
Fred Van Sickle  
13 United States District Judge  
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